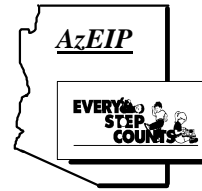


Chapter 4



Transition

Arizona Early Intervention Program

Table of Contents

<u>Section</u>	<u>Page</u>
4.0.0 Introduction	2
4.1.0 General Transition Timelines	2
4.2.0 Transition Planning Data	3
4.3.0 Individualized Family Service Plan (IFSP) Transition Planning Meeting	3
4.4.0 Transition Conference	5
4.5.0 PEA Notification/Referral	8
4.6.0 Opt-Out	8
4.7.0 Preschool Special Education Services	9
4.8.0 Late Referrals	10
4.9.0 Definitions	11
4.10.0 Dispute Resolution	17

4.0.0 Introduction

4.0.1 Authority: 20 U.S.C. §§1436((d)(8); 1437(9); 34 C.F.R. §303.148; A.R.S. §8-652

4.0.2 Policy

1. DES/AzEIP is responsible for ensuring the transition requirements under IDEA, Part C through the AzEIP Service Providing Agencies and the network of early intervention providers.
2. To ensure the specific IDEA, Part C requirements for transition of a child in early intervention to special education services under IDEA, Part B, the Arizona Department of Economic Security (DES) and the Arizona Department of Education (ADE) enter into an Intergovernmental Agreement (IGA) called the Transition IGA. This agreement sets out the responsibilities of DES and ADE and has the following purposes:
 - A. delineate the procedures for the transition of children with disabilities and delays from AzEIP to the school district of residence of the child;
 - B. ensure families' rights to services for which they are eligible;
 - C. delineate responsibilities of an coordination and communication among ADE, DES, AzEIP Service Providing Agencies, early intervention providers and Public Education Agencies (PEAs) implementing transition requirements;
 - D. establish uniformity statewide that will provide a coordinate, unduplicated, and seamless system for serving children ages birth through five with developmental delays or disabilities according to IDEA Parts B and C; and
 - E. encourage cooperation and communication to ensure the provision of a Free Appropriate Public Education by a child's third birthday.

4.1.0 General Transition Timelines**4.1.1 Policy**

1. Transition planning is an ongoing process starting with a child's enrollment in AzEIP. The purpose of transition planning is to help families, early intervention providers, early childhood community providers, and local school staff make the transition as smooth as possible for the child and family.
2. Throughout a child's enrollment in early intervention, the family and child's team discuss the transition steps to enable a smooth transition for the child and family when early intervention services end, at or before the child's third birthday.
3. The AzEIP Service Coordinator is responsible for facilitating a child and family's transition from early intervention on or before the child's third birthday. The child is no longer enrolled in and eligible for early intervention services after the child's third birthday.
4. For eligible children whose family is interested, the provision of a Free and Appropriate Public Education (FAPE) through preschool special education services is required no later than the eligible child's third birthday. For those children who do not qualify or turn three toward the end of the school year and who are not Extended School Year (ESY) eligible, the AzEIP Service Providing Agency and the Public

Education Agency (PEA) will identify other resources in the community to assist the child and family.

4.2.0 Transition Planning Data (February 1 and Sept 15 each year)

4.2.1 Policy

1. On or before February 1 and September 15 of each year, AzEIP Service Coordinator or their administrative office reports the number of children with an IFSP who will turn three years of age between May 1 of the current year and May 30 of the following year (i.e., a thirteen-month period) to the PEA district in which the child resides. This data is provided for the PEA's planning purposes only and data will not include names or other identifying information.

4.3.0 Individualized Family Service Plan (IFSP) Transition Planning Meeting

4.3.1 Policy

1. AzEIP Service Coordinators ensure that an IFSP meeting is held closest to, but not before, the child's second birthday to develop and document the transition plan with the family.
2. The transition plan is part of the IFSP and describes the activities and steps to support the transition of the child to preschool or other appropriate services at age three.
3. The IFSP Transition Planning Meeting includes a discussion of:
 - A. the program options for the child with a disability who is potentially eligible for Part B for the period from that child's third birthday through the remainder of the school year. The team discusses all early childhood options available to the family in their community, including preschool special education services, Head Start, private preschools, and child care settings.
 - B. the parent's interest in a Transition Planning Conference, which would be held between the child's age of 2 years, 6 months and 2 year, 9 months (and, at the discretion of all parties, as early as 2 years, 3 months of age);
 - C. the AzEIP Service Coordinator's responsibility to send a PEA Notification/Referral of all children potentially eligible for preschool special education services (IDEA, Part B), to the District of Residence, which include the child's name, date of birth, and the parents' names, address, and phone number(s);
 - D. the parent's right to opt-out of the PEA Notification no later than the date when the child is 2 years, 9 months of age (or for late referrals, no later than 2 years, 10 ½ months).
4. A parent's opt-out of the PEA Referral/notification must be in writing.

4.3.2 Procedures

1. At the Individualized Family Service Plan (IFSP) meeting closest to, but not before, the child's second birthday, the AzEIP Service Coordinator schedules a meeting with the IFSP team to discuss transition. The AzEIP Service Coordinator may need to

- schedule an IFSP meeting outside of the regularly scheduled reviews to ensure sufficient time for transition planning.
2. During the meeting, the IFSP team discusses transition with the family sharing all the options that are available to the family, including preschool special education services, private preschool, Head Start, child care settings, etc.
 3. The IFSP team develops the transition plan, which the AzEIP Service Coordinator documents on the IFSP Transition Plan and Timeline page. The plan outlines the steps necessary to support the parents in gathering additional information about early childhood programs of interest, and the steps needed to support the child's successful transition to the program of choice (such as meeting with representatives of programs, visiting programs, talking to other parents, etc).
 4. The AzEIP Service Coordinator discusses the purpose of a Transition Conference, which may occur between the child's age of 2 years, 6 months and 2 years, 9 months. If the family is interested and provides written or verbal approval to hold a Transition Conference, the IFSP team determines who, such as to the Public Education Agency (PEA) representative, will be invited. The AzEIP Service Coordinator documents the decision in the child's record.
 5. If the parent does not want a Transition Conference, the AzEIP Service Coordinator documents the parent's (written or verbal) decision in the child's record.
 6. In the instances when the parent decides not to have a Transition Conference, the AzEIP Service Coordinator will also tell the parents that, even if there is no Transition Conference:
 - A. AzEIP must send the completed PEA Notification/Referral form to the PEA UNLESS the parent chooses to opt-out; and
 - B. The PEA Notification/Referral form includes the child's name, date of birth, and the parents' names, address, and phone number(s).
 7. The parent has the right to opt out of this PEA Notification/Referral as long as it is (i) in writing and (ii) made no later than when the child is 2 years, 9 months of age.
 8. If the parent decides to opt-out of the PEA Notification/Referral to the PEA, the AzEIP Service Coordinator will have the parent sign the Opt-Out section of the IFSP Transition Plan and Timeline page.
 9. For families who do not agree to a Transition Conference and do not opt-out of PEA Notification/Referral, the AzEIP Service Coordinator sends the PEA Notification/Referral Form to the PEA before the child is 2 years and 9 months. The PEA should accept the referral and proceed with transition timelines.
 10. If the parent chooses to seek eligibility for preschool special education services, they may, but are not required to, provide written consent to share early intervention

information to the PEA prior to the Transition Conference. The AzEIP Service Coordinator will discuss what information the parent consents to share with the PEA, such as the IFSP Summary of Child's Present Levels of Development (as defined in Section 4.9.0), the current Vision Screening Checklist, Hearing Tracking Form, and current assessment information.

11. The AzEIP Service Coordinator will verify the family's current address when providing PEA Notification/Referral to ensure information is sent to the PEA that is the district of residence for the family.
12. For IFSP meetings that occur closer to the date when the child is 2 years, 6 months of age, the AzEIP Service Coordinator, with approval from the parent, may invite representatives from early childhood programs the family is interested in (such as the PEA representative) to the meeting to develop the transition plan and to fulfill the requirements of the Transition Planning Conference..

4.4.0 Transition Conference

4.4.1 Policy

1. The Transition Conference must occur when the child is between 2 years, 6 months and 2 years, 9 months (and at the discretion of all parties, no earlier than 2 years, 3 months) when the parent has provided approval to convene the conference.
2. The AzEIP Service Coordinator is responsible for facilitating the conference and documenting the steps and activities to comply with IDEA, Part C.
3. The focus of the Transition Conference is to:
 - A. revise the transition plan developed at the prior IFSP meeting (or develop the transition plan if the Transition Conference is also the initial IFSP meeting); and
 - B. provide parents with information about the various programs they are interested in, as well as, the steps that Transition Conference attendees will take to support the parents in their decision-making (i.e. visiting programs, etc.).
4. The Transition Conference must be held at a time and location convenient for the family, and may include the parents, PEA representative(s), a provider from the family's IFSP team, and representatives of the other early childhood programs of interest to the family.
5. The AzEIP Service Coordinator must ensure that written consent to share early intervention information is obtained prior to the start of the Transition Conference so that early intervention information may be discussed during the meeting.
6. For children who have their initial IFSP after the child is 2 years, 9 months, the AzEIP service coordinator develops a transition plan with the family, which is documented on the initial IFSP. A Transition Conference is **not** required. PEA Notification/Referral is required. See Section 4.5.0.

4.4.2 Procedures

1. The AzEIP Service Coordinator discusses with the family whether or not they would like to hold a Transition Planning Conference. If they decline, the service coordinator documents this information in the child's file and explains PEA Notification/Referral and the opt-opt policy to the family as outlined in Section 4.3.0 above.
2. If the parent has provided approval to convene the Transition Conference, the AzEIP Service Coordinator schedules the Transition Conference occur between the child's age of 2 years, 6 months and 2 years, 9 months. (At the discretion of all parties, the Transition Conference may occur as early as 2 years, 3 months, such as when a PEA enrolls children earlier than 3 years of age.)
3. The AzEIP Service Coordinator invites meeting participants using the Invitation to Participate in a Transition Conference Summary Form. Participants may include the parent, a member of the IFSP team, representatives from early childhood programs in which the family is interested, and other individuals at the parent's request.
4. The AzEIP Service Coordinator discusses with the family the need to have written consent to share early intervention information prior to the start of the Transition Conference so that early intervention information may be discussed during the meeting.
5. When the parent is interested in having someone from the PEA attend the Transition Conference, the Transition IGA requires the following of the PEA Representative:
 - A. distribute the Invitation to Participate in a Transition Conference and other information received from the AzEIP Service Coordinator to all PEA members that will participate in the Transition Conference;
 - B. provide information to the parent(s) about Free Appropriate Public Education (FAPE), evaluation procedures, and eligibility criteria for preschool special education services; and
 - C. provide information to the parent(s) about all potential educational programs for eligible preschool children, including those programs for children with and without disabilities.
6. If the parent requests that the PEA Notification/Referral occur during (or prior to) the Transition Conference, the AzEIP Service Coordinator provides the Notification/Referral form to the PEA. As required by the Transition IGA, the PEA representative is then responsible to:
 - A. provide the parent(s) a copy of the procedural safeguards as required in Part B of the IDEA and Prior Written Notice for referral and Review of Existing Data.
 - B. establish tentative timelines for completing the eligibility determination and transition into the PEA, if the child is eligible.
 - C. describe the purpose, scope, and participation in the Multidisciplinary Evaluation Team (MET)/eligibility and Individualized Education Program (IEP) meetings including a discussion of Part C members that the parent may request to attend the initial IEP, if eligible.

- D. explain the purpose of Extended School Year (ESY) services and the information and data needed to support the IEP team in determining eligibility for ESY services, and
 - E. if parents are interested, work with the parent(s) and the AzEIP Service Coordinator to plan for visitations to potential preschool options, if visitations have not already occurred.
7. At the end of the transition conference, the AzEIP Service Coordinator summarizes the agreed upon transition steps developed to implement the transition plan on the Transition Conference Summary Form and provides a copy to the family and other Transition Conference attendees as appropriate. The AzEIP Service Coordinator maintains a copy of the Transition Conference Summary Form in the child's records.
8. In those rare instances when a PEA representative does not attend the Transition Conference, the AzEIP Service Coordinator must proceed with the Transition Conference without the PEA representative. The AzEIP Service Coordinator is responsible for:
- A. discussing and documenting the transition steps and services on the Transition Conference Summary Form;
 - B. providing the parent with information about Part B preschool services, including a description of Part B eligibility definitions, state timelines and process for consenting to an evaluation and conducting eligibility determinations, and special education and related services;
 - C. sending the PEA a copy of the Transition Conference Summary Form and with parental consent, information from the child early intervention records; and
 - D. proceeding with the transition planning steps on the Transition Conference Summary Form.
9. When the child has an initial IFSP after 2 years, 9 months, the AzEIP service coordinator develops the transition plan, which includes assisting the family in learning about the early childhood options available and assisting with transition to those programs. Transition steps and services are documented on the IFSP Transition Plan and Timeline page. A Transition Conference is **not** required. PEA Notification/Referral is required by 2 years, 10 ½ months unless the parent opts out.

4.5.0 PEA Notification/Referral

4.5.1 Policy

1. Arizona's PEA Notification/Referral includes those children who are (i) shortly reaching the age of eligibility for Part B services; and (ii) potentially eligible for Part B services as defined by the state in Section 4.9.1(23), Definitions.
2. For children younger than 2 years, 9 months with an IFSP, the AzEIP Service Coordinator is responsible for providing Notification/Referral to the PEA (using the

PEA Notification/Referral Form) no later than when the child is 2 years, 9 months, unless the parent has opted out of PEA Notification/Referral.

3. For children older than 2 years, 9 months when the initial IFSP is developed, the AzEIP Service Coordinator is responsible for providing PEA Notification/Referral no later than when the child is 2 years, 10 ½ months, unless the parent opts out of PEA Notification/Referral.

4.5.2 Procedures

Child has an IFSP Before 2 years, 9 months:

1. For families who do not opt out of the PEA Notification/Referral, the AzEIP Service Coordinator completes the PEA Notification/Referral form and sends it to PEA where the parent resides by the time the child is 2 years, 9 months. The PEA should accept the referral and proceed with transition timelines.
2. For families who do not agree to a Transition Conference and do not opt out of PEA Notification/Referral, the AzEIP Service Coordinator completes the PEA Notification/Referral form and sends it to PEA where the parent resides by the time the child is 2 years, 9 months. The PEA will accept the referral and proceed with transition timelines.

Child has an IFSP Between 2 years, 9 months and 2 years, 10 ½ months:

1. For families who do not opt out of the PEA Notification/Referral, the AzEIP Service Coordinator completes the PEA Notification/Referral form and sends it to PEA where the parent resides by the time the child is 2 years, 10 ½ months. The PEA should accept the referral and proceed with transition timelines.

4.6.0 Opt-Out

4.6.1 Policy

1. PEA notification will occur in the absence of parent objection; parents may opt out of the required PEA Notification/Referral to the PEA.

4.6.2 Procedures

1. During the IFSP Transition Planning Meeting, which occurs closest to, but not before, the child's second birthday (or for late referrals, between the child's age of 2 years, 9 months and 2 years 10 ½ months), the AzEIP Service Coordinator informs the parent that:
 - A. AzEIP is responsible to send the PEA Notification/Referral form to the PEA;
 - B. the PEA Notification/Referral contains the child's name and date of birth and the parent(s) names, address, and telephone number(s);
 - C. parental consent cannot be required to send the PEA Notification/Referral; and
 - D. the parent may object to the disclosure in writing by using the opt-out section of the IFSP Transition Plan and Timeline Page.

2. For children younger than 2 years, 9 months, the AzEIP service coordinator explains the opt-out policy to the parent at the IFSP transition planning meeting that occurs closest to, but not before, the child's 2nd birthday. The parent must opt out before the child is 2 years, 9 months. If not, the AzEIP service coordinator will send the PEA Notification/Referral form to the school district where the parent resides at 2 years, 9 months.
3. For children older than 2 years, 9 months when the initial IFSP is developed, the AzEIP service coordinator explains the opt-out policy to the parent as soon as possible after eligibility and no later than during the initial IFSP meeting. The parent must opt out before the child is 2 years, 10.5 months. If not, the AzEIP services coordinator must send the PEA Notification/Referral form to the school district where the parent resides at 2 years, 10 ½ months.

4.7.0 Preschool Special Education Services

4.7.1 Policy

1. When a parent is interested in determining whether their child is eligible for preschool special education services, the AzEIP Service Coordinator and the PEA coordinate so that the PEA can implement the procedures and requirements under IDEA, Part B and Arizona law.
2. The AzEIP Service Coordinator is responsible for sharing information with the PEA, with the family's consent, and attending the Multidisciplinary Evaluation Team and the Individualized Education Program, at the parent's request.

4.7.2 Procedures

1. The following sets out the responsibilities of the PEA as required in the Transition IGA for determining Part B eligibility and holding the required meetings with the family:
 - A. The PEA coordinates the Review of Existing Data to include information from AzEIP, the parent(s), and other available sources to determine if additional information is needed to determine eligibility.
 - B. If necessary, the PEA provides Prior Written Notice (PWN) to collect additional information and obtains parental consent to conduct further evaluation. The PEA must determine eligibility within sixty days of written parental consent to evaluate, not to extend beyond the child's third birthday.
 - C. The PEA convenes the Multidisciplinary Evaluation Team (MET), including the parent(s) and, upon parental request, the AzEIP Service Coordinator, to:
 - (1) explain results of the evaluation to the parent(s);
 - (2) determine eligibility for preschool special education and related services based on all information; and
 - (3) provide Prior Written Notice for eligibility.
 - D. If a child is determined to be eligible for Preschool Special Education Services in accordance with Part B of IDEA and Arizona law, the PEA must hold an IEP

conference within 30 days of the eligibility determination. With parental agreement, the IEP Conference may be held at the same time as the Preschool Eligibility/Multidisciplinary Evaluation Team Conference described above.

- E. The PEA convenes an IEP meeting with the required IEP Team members, by the child's third birthday, in order to develop an IEP that ensures FAPE.
 - F. If requested by the parent, the PEA invites the AzEIP Service Coordinator or other IFSP team member(s) to the IEP meeting. The IEP meeting shall be scheduled with the parents at a mutually agreeable time.
2. The AzEIP Service Coordinator attends the IEP conference at the request of the parent and provide information and data to assist the IEP Team in developing the IEP, including consideration of the need for ESY services.

4.8.0 Late Referrals

4.8.1 Procedures

4.8.2 Initial Referral to AzEIP Between 2 years, 9 months – 2 years, 10 ½ months

1. Upon receipt of an initial referral of a child between the ages of 2 years, 9 months – 2 years, 10 ½ months, the AzEIP Service Providing Agency that initiates referrals will complete the eligibility determination process and hold the initial IFSP meeting within 45 calendar days of the referral.
2. For children who have an initial IFSP developed between 2 years, 9 months and 2 years, 10 ½ months, a PEA Notification/Referral form must be sent to the school before the child is 2 years, 10 ½ months unless the parent opts out by signing the Opt-Out section of the IFSP Transition Plan and Timeline page.
3. No Transition Conference is required during this timeframe, however, the AzEIP service coordinator is responsible for assisting the family in developing a transition plan (including appropriate steps and services), which is documented on the IFSP Transition Plan and Timeline page. A service coordinator could, for example, obtain consent and share early intervention records with other programs.

4.8.3 Initial Referral to AzEIP Between 2 years, 10 ½ months and 3 years of age

1. Upon receipt of an initial referral for a child between the ages of 2 years, 10 ½ months and 3 years of age, the AzEIP Service Providing Agency that receives the referral will assist the parent in initiating contact with the appropriate District of Residence according to the requirements in the Child Find Intergovernmental Agreement between DES and ADE.

4.8.4 Late Referrals from AzEIP to the PEA

1. When a child has an initial IFSP before the child is 2 years, 9 months, but the AzEIP service coordinator does not refer to the PEA until after the child is 2 years, 9 months, the PEA must ensure an initial evaluation is completed and, if eligible, the IEP is

- completed before the child is 3 years of age. The AzEIP service coordinator will document the reason for the late referral to the PEA on the PEA Notification/Referral form.
2. It is the responsibility of both the AzEIP Service Providing Agencies and the PEAs to work collaboratively to ensure children who are potentially eligible for Part B receive timely transitions.

4.9.0 Definitions

4.9.1 Policy

1. AzEIP Summary of Child's Present Levels of Development (also called the AzEIP Summary of Development) is a component of the IFSP that provides a comprehensive, integrated developmental summary of the child's ability to: 1) engage or participate in social relationships; 2) acquire and use knowledge and skills; and, 3) be independent within the family's routines and activities. The AzEIP Summary of Development documents functional information synthesized from multiple sources, such as parent report, observation, and/or criterion-referenced assessment.
2. District of Residence is the elementary district (K-8th grades) or unified district (K-12th grades) in which the parent of the child resides. For purposes of this Agreement, parent is defined in accordance with Section 11.24.
3. Educational Programs and Other Appropriate Services are the range of settings and services in which a preschool-aged child might participate after transition from early intervention. Examples include preschool special education services, Head Start programs, and private preschools. The AzEIP Service Coordinator and other IFSP team members must discuss all educational options in the community with the family during the IFSP planning meeting closest to, but not before the child's second birthday, at which the transition plan is developed.
4. Eligibility Criteria for Part B Preschool Special Education Services, in accordance with A.R.S. § 15-761, et seq.:
 - A. Developmental Delay (DD) means performance by a child who is at least three years of age, but under ten years of age, on a norm-referenced test that measures at least one and one-half, but not more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas:
 - (1) Cognitive development.
 - (2) Physical development.
 - (3) Communication development.
 - (4) Social or emotional development.
 - (5) Adaptive development.

The results of the norm-referenced measure must be corroborated by information from a comprehensive development assessment and from parental input, if

available, as measured by a judgment based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.

- B. Hearing Impairment (HI) means a loss of hearing acuity, as determined by evaluation pursuant to A.R.S. §15-766, which interferes with the child's performance in the educational environment and requires the provision of special education and related services.
- C. Preschool Severe Delay (PSD) means performance by a preschool child on a norm-referenced test that measures more than three standard deviations below the mean for children of the same chronological age in one or more of the following areas:
 - (1) Cognitive development.
 - (2) Physical development.
 - (3) Communication development.
 - (4) Social or emotional development.
 - (5) Adaptive development.

The results of the norm-referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.

- D. Speech/Language Impairment (SLI) for a preschool child means performance on a norm-referenced language test that measures at least one and one-half standard deviations below the mean for children of the same chronological age or whose speech, out of context, is unintelligible to a listener who is unfamiliar with the child. Eligibility for a preschool child under this subdivision is appropriate only when a comprehensive developmental assessment and parent input indicate that the preschool child is not eligible for services under another preschool category or under the developmental delay category.
- E. Visual Impairment (VI), including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

5. Evaluation:

- A. PART C: Evaluation for children aged birth through two years means the procedures, in accordance with 34 C.F.R. §303.322, used by appropriate, qualified personnel to determine a child's initial and continuing eligibility for AzEIP, including determining the status of the child in each of the developmental areas.

- B. PART B: Evaluation for children aged three to five years, evaluation means procedures used in accordance with 34 C.F.R. §§300.300-300.311 to determine whether a child has a disability and is in need of special education services and the nature and extent of special education and related services that the child needs in accordance with 34 C.F.R. §300.500. This evaluation includes: (a) a review of existing information about the child; (b) a decision regarding the need for additional information; (c) if necessary, the collection of additional information; and (d) a review of all information about the child and a determination of eligibility for special education services and needs of the child. A.A.C. R7-2-401 (B) (13).

Comprehensive Developmental Assessment (CDA) is a full and individual evaluation of the child in all developmental areas: cognitive, physical (including vision and hearing screening), communication, social/emotional and adaptive development. A CDA may be accomplished through a review of existing data, criterion referenced assessments, norm referenced assessments, observation and parent input, however, for the purpose of determining eligibility, at least one norm referenced assessment to obtain standard deviation information must be used to determine if eligibility criteria is met. A (CDA) is required to determine eligibility for Preschool Severe Delay (PSD), Developmental Delay (DD) and Speech Language Impaired (SLI). The final responsibility for the CDA and eligibility lies with the PEA.

6. Extended School Year (ESY) Services means additional special education and related services for students with disabilities to supplement the normal school year, for the purpose of preventing loss of a free appropriate public education (FAPE), and loss of meaningful educational benefit gained from the previous year(s) as defined in A.R.S. §15-881 and A.A.C. R7-2-408. ESY services, which meet the standard of ADE, are provided to a Part B eligible child with a disability beyond the normal school year of the public education agency, in accordance with the child's IEP, at no cost to the parents of the child. Eligibility for ESY services shall be determined by the IEP team based on the standards indicated in A.R.S. §15-881 and A.A.C. R7-2-408. Eligibility for ESY services shall be based on a multifaceted inquiry, using both retrospective and predictive data. Eligibility for participation shall not be based on need or desire for any of the following: (1) a day care or respite care service for students with a disability; (2) a program to maximize the academic potential of a student with a disability; or (3) a summer recreation program for students with a disability. The availability of extended school year services is required for all students for whom the IEP team has determined that it is necessary in order to ensure FAPE.
7. Free Appropriate Public Education (FAPE) in accordance with 34 C.F.R. § 300.101 means special education and related services that meet state standards and are provided based upon an IEP. These services are provided at public expense under public supervision and direction, without charge to the parents and must be provided in the least restrictive environment (LRE) in accordance with 34 C.F.R. §§300.114 and 300.550.

8. Individualized Education Program (IEP) means a written statement, developed, reviewed, or revised in accordance with applicable federal and state laws for providing special education services to each eligible child with a disability that includes a statement of: a) the child's present levels of academic achievement and functional performance, including how the disability affects the preschool child's participation in appropriate activities; b) measurable annual goals, including academic and functional goals c) a description of how the child's progress toward meeting the annual goals will be measured; (d) a statement of the special educational and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals and to be involved in and make progress in the general curriculum; e) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class; f) the projected dates, duration and location for service; and g) a statement of how the parents will be informed of their child's progress. 20 U.S.C. §1401(14); 34 C.F.R. §300.320; A.R.S. §15-761(11); A.A.C. R7-2-401G.
9. IEP Conference is a meeting to occur by the eligible child's third birthday to determine appropriate programming. Required participants are the individuals described in Section 11.20 and, at the discretion of the parent, other individuals who have knowledge or special expertise regarding the child (ie: AzEIP Service Coordinator), including related services personnel as appropriate 20 U.S.C. §1414(d)(1)(D); C.F.R. §§300.321(f).
10. The IEP team includes, in accordance with 34 C.F.R. §300.321:
 - A. The parent(s) of the child;
 - B. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - C. At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
 - D. A representative of the public agency who:
 - (1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (2) Is knowledgeable about the general curriculum; and
 - (3) Is knowledgeable about the availability of resources of the public agency;
 - E. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of 34 C.F.R. §333.321; and
 - F. At the discretion of the parent or PEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

11. Individual Family Service Plan (IFSP) Transition Planning Meeting is a meeting closest to, but not before, the child's second birthday, the IFSP team must develop and document the transition plan on the IFSP Transition Plan and Timeline page. The transition plan is part of the IFSP and describes the activities and steps to be taken to support the transition of the child to preschool or other appropriate services at age three.
12. Multidisciplinary Evaluation Team in IDEA, Part B means, in accordance with A.R.S. §15-761(16), a team of persons including individuals described as the IEP team and other qualified professionals who shall determine whether a child is eligible for special education.
13. Multidisciplinary Evaluation Team (MET)/Eligibility Conference is a **required** meeting to occur by the child's third birthday to determine if the child is eligible and/or continues to be eligible for special education. Required participants are the individuals described in Section 11.20 including by parent request the AzEIP Service Coordinator and a provider from the family's IFSP team as individuals with knowledge or special expertise regarding the child in accordance with 34 C.F.R. §300.306 This conference can be held at the same time as the IEP Conference.
14. Notification to the Public Education Agency (also called PEA Notification/Referral) is AzEIP's responsibility to notify the PEA where the child with a disability lives that the child will shortly reach the age of eligibility for Part B services and is potentially eligible for Part B services. The PEA Notification/Referral must include (a) the child's name; (b) date of birth; and (c) parent contact information, (including names, addresses and telephone numbers). The PEA notification may also include the Service Coordinator's name and contact information, and the language(s) spoken by the child and family.

PEA Notification does not require parental consent; however, parents have the opportunity to "Opt-Out" of PEA Notification, as described in 15. below. If the parent has not opted out of PEA notification in writing by the date that their child is 2 years, 9 months of age (or for late referrals, by 2 years, 10 ½ months), the AzEIP Service Coordinator will send Notification to the PEA.

The PEA Notification must be treated as an initial referral to the public education agency for consideration of eligibility for preschool special education services. It initiates the PEA's requirement to provide Procedural Safeguards and Prior Written Notice under 34 C.F.R. §300.504(a)(1) and §300.503. The PEA notification must be provided to the PEA designated as district of residence.

15. Opt-Out means that a parent, after being informed of AzEIP's intent to disclose Notification to the Public Education Agency (also known as PEA Notification/Referral) may object to the disclosure in writing by the date on which their child is 2 years, 9 months of age (or for late referrals, by 2 years, 10 ½ months). If the parent opts out in writing, AzEIP will not notify the PEA. The parent must be

informed of AzEIP's intent to disclose PEA Notification information during the IFSP Transition Planning Meeting, which occurs closest, but not before, the child's second birthday. The parent must object in writing using the Opt-Out section of the IFSP Transition page. PEA notification will occur in the absence of parent objection.

16. Parent means (1) a biological, adoptive or foster parent of a child; (2) a guardian; (3) a person acting in the place of a parent (such as a relative or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or (4) a surrogate parent who has been assigned in accordance with relevant law. "Parent" does not include the State. 20 U.S.C. §1401(23); 34 C.F.R. §300.30 and A.R.S. §15-761(22).
17. Potentially eligible child under IDEA, Part B means a child who is eligible for AzEIP and who has an IFSP when the child is two years of age or older.
18. Public Education Agency (PEA) means a school district, charter school, accommodation school, state supported institution or other political subdivision of the state that is responsible for providing education to children with disabilities.
19. Transition Planning Data will be provided to the district twice a year to assist the PEA with planning capacity and resources for future preschool referrals and will consist of the number of children currently within the AzEIP system that may potentially transition to the district.
20. Transition Conference is a planning meeting arranged and facilitated by the Service Coordinator in which the PEA will participate. The Transition Conference will occur between the time the child is 2 years, 6 months and 2 years, 9 months, unless all parties agree to convene the meeting when the child is between 2 years, 3 months and 2 years, 6 months. The purpose on the Transition Conference is to ensure the following steps are taken:
 - A. review the potential program options/continuum of services available on the child's third birthday;
 - B. establish tentative timelines and activities for the child's transition into the PEA, if eligible;
 - C. establish a plan for parental visitation to the educational programs available (if not already completed);
 - D. review existing data, including vision and hearing screening information; and
 - E. plan for the collection of additional information, including evaluation and procedures to assist in determining eligibility for Part B and appropriate IEP services, including ESY.

The Transition Conference may occur, but is not required to, as part of the IFSP Transition Planning Meeting, during which the transition plan is developed.

The Transition Conference Team consists, at a minimum, of the child's parent(s), AzEIP Service Coordinator, a provider from the family's IFSP team, a PEA

representative, and based on the IFSP Transition Plan, representatives of other early childhood program option(s) of interest to the family.

4.10.0 Dispute Resolution

4.10.1 Policy

1. If a parent, PEA, AzEIP Service Coordinator or other interested individual believes that a PEA or an AzEIP Service Providing Agency is not fulfilling its obligations under this Agreement or applicable law concerning transition services for children with disabilities, that individual may take one or both of the following steps:
 - A. Seek technical assistance from AzEIP or ADE by providing a Transition Alert (AzEIP Service Providing Agencies contact DES/AzEIP and PEAs contact ADE with concerns). Technical assistance may be obtained by writing or calling DES/AzEIP or ADE. See B. below for contact information.
 - B. File a Complaint with DES or ADE. DES and ADE have each established complaint and dispute resolution procedures in order to comply with, respectively, Part C and Part B of the IDEA. Information about the available complaint and dispute resolution procedures may be obtained as follows:

Arizona Department of Economic Security
Arizona Early Intervention Program
3839 North Third Street, Suite 304
Phoenix, AZ 85012
(602) 532-9960
<http://www.azdes.gov/azeip/safeguard.asp>

Arizona Department of Education
Exceptional Student Services
1535 West Jefferson Street BIN 24
Phoenix, AZ 85007
(602) 542-4013
<http://www.azed.gov/ess/dispute/complaints>
2. ADE will provide to DES a copy of all Letters of Findings for complaint investigations filed under Part B of the IDEA relating to transition services within 30 days of issuance. DES will provide to ADE a copy of all Letters of Findings for complaint investigations filed under Part C of the IDEA relating to transition services within 30 days of issuance.
3. The ADE and DES strongly encourage PEAs and AzEIP Service Providing Agencies to meet at least annually to develop and review written transition processes that are mutually agreeable and identify and resolve transition issues in accordance with this Agreement and with A.A.C. R7-2-401(J).